



THE CITY OF NEW YORK  
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September 5, 2023

**BY ECF**

Honorable James R. Cho  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Samuel Karnes, et al. v. City of New York, et al.,  
21-CV-4903 (WFK) (JRC)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, assigned to the defense of the above-referenced matter on behalf of defendants. In that capacity, I write jointly with plaintiffs' counsel to respectfully request that the settlement conference currently scheduled for September 12, 2023, at 1:00 p.m., be converted into a status conference. The reason for this request is that the parties are not yet ready to participate in a settlement conference as set forth in more detail below. Should the Court grant this request, the parties hope to use the September 12, 2023 status conference as an opportunity to reschedule the settlement conference for a date and time convenient to the Court consistent with the schedules of the parties and all counsel.

By letter dated June 26, 2023, the parties advised the Court that plaintiffs' expert reports had recently been disclosed to the undersigned. Upon review, the experts in question relied on updated medical records for the plaintiffs in question that had not yet been produced to the undersigned. In response, I requested copies of any additional treatment records and plaintiffs' counsel obliged providing same on August 24, 2023. I am currently in the process of reviewing those records for purposes of obtaining settlement authority. However, due to the complexity of the damage claims in question, as well as the multiple parties involved, that process is still ongoing. I expect to be able to provide a realistic timeline for obtaining settlement authority by the September 12, 2023 status conference.

Should the Court grant this request, the parties respectfully request an extension of discovery until sometime after the settlement conference. This is the sixth request for an extension of discovery with all prior requests having been granted in full or in part.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Brian Francolla  
Senior Counsel  
Special Federal Litigation Division

cc: All Counsel (By ECF)